

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 23-cv-20100
Hon. Matthew F. Leitman

v.

D1, CALVIN ZASTROW,
D2, CHESTER GALLAGHER,
D3, HEATHER IDONI,
D5, JOEL CURRY,
D6, JUSTIN PHILLIPS,
D7, EVA EDL, AND
D8, EVA ZASTROW,

Defendants.

/

ORDER FINALIZING FORM FOR JUROR QUESTIONNAIRE

In a prior Order, the Court indicated that it would utilize a juror questionnaire in this case and further said that it would use as a template a questionnaire used by the United States District Court for the Middle District of Tennessee. The Court invited the parties to propose changes to the template. The Government proposed a set of changes, and the Defendants then responded to the Government's proposed changes. The Court has carefully reviewed all of the parties' input concerning the form and substance of the questionnaire. Based upon the Court's review, the Court has adopted the attached version of the questionnaire as the version to be used in this case. The attached version contains some, but not all, of the changes requested by

the Government and by the Defendants. The Court adopted the changes it deemed appropriate and did not make the changes it found inappropriate. The prospective jurors shall complete the attached form on the date previously established by the Court.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: May 15, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 15, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126

JUROR NUMBER _____

JUROR QUESTIONNAIRE INSTRUCTIONS

Dear Prospective Juror:

You are on the jury panel for the case listed above. This questionnaire is designed to obtain information about you, to use in deciding your qualifications to serve as a juror in this case. The purpose of these questions is to determine whether prospective jurors can impartially decide this case based upon the evidence presented at trial and the instructions on the law given by the presiding judge. The questions are not intended to unnecessarily inquire into personal matters; all information obtained will be kept confidential.

You are sworn to give true and complete answers. Your answers will be available only to the court and the attorneys for the parties. The questionnaires belong to the Court and all copies will be returned to the Court. You are instructed not to discuss this case or the questionnaire with anyone, including your family, fellow jurors, or anyone else.

Although some of the questions may appear to be of a personal nature, please understand that the Court and the attorneys for the parties must learn enough information about each juror's background and experiences to select a fair and impartial jury. Please answer each question as fully and completely as possible. Your complete candor and honesty are necessary so that both the prosecution and the defense will have a meaningful opportunity to select a fair and impartial jury.

You must answer all the questions to the best of your ability. If you do not know the answer to a question then write, "I don't know." If the question does not apply to you, write "N/A." Please fill out the entire Questionnaire. **DO NOT LEAVE ANY QUESTION BLANK.**

The indictment in this case brings charges against seven defendants. The charges are set forth in three separate Counts. Each of the charges involves the term "reproductive health services." That term means reproductive health services provided in a hospital, clinic, physician's office, or other facility, and includes medical, surgical, counseling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.

In Count (1), the indictment alleges that all defendants conspired or agreed to block access to the entrance of a clinic that provides reproductive health services in Sterling Heights, Michigan. The indictment alleges that defendants entered into the

JUROR NUMBER _____

charged conspiracy or agreement in order to oppress and intimidate (a) patients of the clinic in question from obtaining reproductive health services and (b) employees from providing those services. Obtaining and providing reproductive health services is a right guaranteed under the laws of the United States.

In Count (2), the indictment alleges that all defendants intentionally intimidated and interfered with patients and employees of a clinic that provides reproductive health services in Sterling Heights, Michigan by using their bodies to physically obstruct the entrance to the clinic, and that they did so (a) because patients and employees were obtaining or providing reproductive health services and (b) in order to intimidate patients from obtaining, and the employees from providing, reproductive health services.

Count (3) of the indictment only applies to two of the seven defendants, and alleges that they intentionally intimidated and interfered with patients and employees of a clinic that provides reproductive health services in Saginaw, Michigan by using their bodies to physically obstruct the entrance to the clinic, and that they did so (a) because patients and employees were obtaining or providing reproductive health services and (b) in order to intimidate patients from obtaining, and the employees from providing, reproductive health services.

The charges in the indictment are not any evidence of guilt. An indictment is simply the formal way that the Government informs the defendants of the charges against them.

The defendants have entered pleas of not guilty to all of the charges against them. The defendants are presumed innocent of all charges against them, and that presumption stays with them throughout the trial. The jury chosen to sit in this case may not convict any defendant of any charge unless the Government proves the elements of that charge beyond a reasonable doubt.

The jury in this case will be asked to listen to the evidence presented in court and make their decision based **ONLY** on the evidence they hear in court, without outside influence.

As a member of this jury panel, you are instructed that you **MUST NOT** do any research of any kind in relation to this case and must not talk to anyone else about it. You are **NOT** allowed to:

- Read or research anything related to this case.
- Listen to any discussion related to this case.

JUROR NUMBER _____

- Talk to **anyone** about this case, including your spouse/partner and other family members.

Jury selection is scheduled to start on or about **August 6, 2024**. Presentation of evidence will begin once a jury is selected and will last two to three weeks.

At the end of the questionnaire, you will be required to sign a true declaration stating under penalty of perjury that the answers you have provided on the questionnaire are true, correct, and complete to the best of your knowledge.

Please use a black or blue ink pen. **DO NOT** write on the back of the page. There is extra space at the end of this questionnaire if you run out of space for any question. Please write your juror number on the top right corner of each page where indicated. **PLEASE PRINT OR WRITE LEGIBLY.**

After you have completed, signed, and turned in the questionnaire, you may leave. You will be notified by the Clerk's Office when to report for jury duty. Do not discuss the questionnaire or your answers with any member of your household, family, friends, co-workers, fellow jurors, court personnel, or anyone else. Do not conduct your own research, including using the internet or any other electronic media, and from this point forward, do not read or watch any news reports about this case. You must not gather, or attempt to gather, any information or otherwise investigate this case or any issues related to it.

Thank you for your cooperation,
Hon. Matthew F. Leitman
United States District Judge

JUROR NUMBER _____

JUROR QUESTIONNAIRE

Personal Background

Juror Number _____

Age _____ Gender _____

1. Which of the following reflects your current relationship status?

- ☐ Single ☐ Married ☐ Living with someone ☐ Divorced
☐ Widowed ☐ Separated

2. City or community you currently live in: _____

a. How long have you lived there: _____

b. Where else you have lived in the last 10 years (without providing your exact address): _____

3. Do you have children? If so, how many and what are their ages: _____

4. What is your current or most recent job? (Please indicate if you are retired, do not work outside the home, unemployed, disabled, or a student)

a. Employer: _____

b. Job Title: _____

c. How long have you had (or did you have) this job: _____

d. Job duties: _____

5. Please briefly describe the types of jobs you have held in the last 10 years:

JUROR NUMBER _____

6. What is your highest level of education?
- ☐ less than high school ☐ high school graduate/GED ☐ Technical/trade school
☐ some college ☐ college graduate ☐ graduate school
- Major/degree: _____ School attended: _____
7. If married, or sharing a household with another adult, please describe that person's job. (Please indicate if they are retired, do not work outside the home, unemployed, disabled, or a student.)
- a. Employer: _____
- b. Job Title: _____
- c. How long has s/he had (or did s/he have) this job: _____
- d. Job duties: _____
8. Other than a spouse/partner or children, who else lives in your household?
- a. Relationship to you: _____
- b. Age: _____
- c. Occupation (if any): _____
9. What is your spouse/partner's highest level of education or degree?
- _____
10. Have you ever served in any branch of the armed forces of the United States (including the military reserves, National Guard, or ROTC)?
- ☐ Yes ☐ No
- a. IF YES, please list what branch of service, the approximate years of service, highest rank attained, and places where you were stationed:
- _____
- _____
- b. IF YES, did you ever participate in a court martial? ☐ Yes ☐ No
- c. IF YES, please describe your role and the charges: _____
- _____

JUROR NUMBER _____

11. What do you like to do in your spare time? What are your interests or hobbies?

12. What is your main source of news?

- ☐ Radio ☐ TV ☐ Newspaper
☐ Internet/Social Media ☐ Family/friends ☐ I don't follow the news

13. What are your sources of news? Please list all newspapers, magazines, radio stations, websites, Apps, television networks, television programs, television program hosts, and/or political commentators from whom you obtain news. If you do not regularly follow the news, please say so.

14. Do you listen to any podcasts? ☐ Yes ☐ No

IF YES, please list your top three favorites:_____

Contact and Experiences with Crime, Courts, Legal System, and Law Enforcement

15. Please describe any previous jury or grand jury service in state or federal court:

- a. Was it a grand jury? ☐ Yes ☐ No ☐ n/a
b. Was it a jury trial? ☐ Yes ☐ No ☐ n/a
c. Were you the foreperson? ☐ Yes ☐ No ☐ n/a
d. Was it a criminal case in which you were asked to return a verdict of guilty or not guilty? ☐ Yes ☐ No ☐ n/a
e. Was it a civil case in which you were asked to return a verdict for a plaintiff or defendant? ☐ Yes ☐ No ☐ n/a
f. Did you reach a verdict in a criminal case? ☐ Yes ☐ No ☐ n/a

JUROR NUMBER _____

g. Did you reach a verdict in a civil case? ☐ Yes ☐ No ☐ n/a

h. Was there anything about your jury experience that left you disappointed or dissatisfied with our justice system? ☐ Yes ☐ No ☐ n/a

IF YES, please explain: _____

i. Was there anything about your jury experience that prevents you from being fair and impartial in this case? ☐ Yes ☐ No ☐ n/a

IF YES, please explain: _____

16. Have you ever been a witness in a civil or criminal case in state or federal court?

☐ Yes ☐ No

IF YES, please explain: _____

17. Have you ever been a party (plaintiff or defendant) in a civil case in state or federal court?

☐ Yes ☐ No

IF YES, please explain: _____

18. Have you, your spouse/domestic partner, or anyone close to you been involved in a claim, dispute, lawsuit, or any legal proceeding with any federal, state or local government agency?

JUROR NUMBER _____

☐ Yes ☐ No

IF YES, please explain: _____

19. Have you, a close family member, or close friend ever been the victim of a crime (whether or not that crime was reported to the police)?

☐ Yes ☐ No

- a. IF YES, please provide the following information for each person and incident:

Relationship: (self, sibling, etc.)	Type of crime:	Reported to police?	Was anyone caught?	Outcome of case?

- b. How do you feel the police, law enforcement, authorities, or the prosecutor handled these situations?

- c. Would this experience influence your ability to reach a verdict based only on the evidence in this case?

☐ Yes ☐ No

IF YES, please explain: _____

JUROR NUMBER _____

20. Excluding minor matters such as traffic tickets, have you, a family member, or close friend ever been the subject of a criminal investigation, charged with a crime, or convicted of a crime?

☐ Yes ☐ No

IF YES, please explain:

a. What was the nature of the offense: _____

b. Were you/they charged with a crime? If so, what happened after you/they were charged? _____

c. Would this experience influence your ability to reach a verdict based only on the evidence in this case?

☐ Yes ☐ No

IF YES, explain: _____

21. Have you, a family member, or close friend ever had an experience, either positive or negative, with any law enforcement officer or any government agency that could influence your verdict?

☐ Yes ☐ No

IF YES, please explain: _____

22. Have you, a family member, or close friend ever been employed by any prosecutor's office, law enforcement agency, or other federal, state, or local government agency?

☐ Yes ☐ No

IF YES, please explain: _____

JUROR NUMBER _____

23. Are any members of your family attorneys or otherwise associated with the legal profession, or do you have close friends who are associated with the legal profession?

☐ Yes ☐ No

IF YES, please explain: _____

24. Have you, a close family member, or friend ever been employed by anyone involved in criminal defense work, such as a private defense attorney, public defender, or private investigator?

☐ Yes ☐ No

IF YES, please explain: _____

25. Do you have strong personal feelings about any recent court cases or public events that might interfere with your ability to be fair and impartial in this case?

☐ Yes ☐ No

IF YES, please explain: _____

26. Do you have any strong opinions or feelings, whether positive or negative, about the Sterling Heights Police Department or the Saginaw Police Department?

☐ Yes ☐ No

IF YES, please explain: _____

27. Do you have any strong opinions or feelings, whether positive or negative, about pro-life or pro-choice organizations like Right to Life or Planned Parenthood?

☐ Yes ☐ No

JUROR NUMBER _____

IF YES, please explain: _____

28. Do you have any strong opinions or feelings, whether positive or negative, about the Federal Bureau of Investigation (FBI), the U.S. Department of Justice, the United States Attorney's Office, or the United States Government?

☐ Yes ☐ No

IF YES, please explain: _____

Questions About This Case

29. Have you, a family member, or close friend ever been employed, applied for work, or volunteered at any hospital, medical facility, health clinic or other business providing any health care services?

☐ Yes ☐ No

IF YES, please explain: _____

30. As explained above, this case involves charges that the defendants allegedly blocked access to the delivery of reproductive health services (a term that is defined for you above on pg. 1). Do you have any opinions or beliefs regarding the issue of reproductive health services that would make it difficult for you to serve on this jury?

☐ Yes ☐ No

IF YES, please explain: _____

JUROR NUMBER _____

31. On a scale of 1-10, how much would you say you care about the issue of abortion, whether for or against it with 1 being “unimportant” and 10 being “the most important” issue to you? _____

32. Do you, a family member, or a close friend belong to any group or organization, or do you contribute money to any group or organization, that advocates regarding any aspect of reproductive health care (e.g. Planned Parenthood, Right to Life, Americans United for Life, National Abortion Federation, etc.)

☐ Yes ☐ No

IF YES, please explain:_____

33. Have you, a family member, or a close friend ever participated in any protest, march, or rally regarding any political issue?

☐ Yes ☐ No

IF YES, have any of the protests involved issues related to reproductive health care, as defined above in question #30: _____

34. Have you, a family member, or a close friend had any life experiences that would affect your ability to be fair and impartial in a case involving reproductive health services?

☐ Yes ☐ No

IF YES, please explain:_____

35. Do you have any political, moral, intellectual, religious, or other beliefs or opinions which might prevent you from following the Court’s instructions on the law or which might affect your approach to this case?

JUROR NUMBER _____

☐ Yes ☐ No

IF YES, please explain: _____

36. Do you have any political, moral, intellectual, religious or other beliefs that would affect your ability to sit in judgement in this criminal case?

☐ Yes ☐ No

IF YES, please explain: _____

37. Do you have any opinions about this case?

☐ Yes ☐ No

IF YES, please explain: _____

Criminal Trial Procedures

38. If chosen to sit as a juror, could you set aside your personal feelings about the law and follow the instructions of law given to you by the Court?

☐ Yes ☐ No ☐ Maybe

IF NO or MAYBE, please explain: _____

JUROR NUMBER _____

Logistical Issues

Jury selection in this case begins on August 6, 2024, and may take a few days. The trial of this case will begin as soon as jury selection concludes and is expected to last approximately 2–3 weeks. The hours of trial will typically be 8:45 a.m. through 1:30 p.m., Monday through Friday, although the Court may change the schedule on some days. Jurors will be paid an attendance fee of \$50 per day, and transportation costs (mileage and parking) will be reimbursed.

Jury service is one of the most important duties of a United States citizen. The participation of a cross-section of citizens is essential to the proper administration of justice. The Court recognizes that not everyone can serve on a case of this length. However, mere inconvenience or the usual financial hardships of jury service will not be enough to excuse you from service. You must show that service as juror in this case would cause a significant personal hardship. With this in mind, please answer the following questions:

39. Do you have a language, hearing, eyesight problem, or other condition, or do you take medication that makes it difficult for you to serve as a juror?

☐ Yes ☐ No

IF YES, please explain what affect it has and if any accommodation could be made to make it less difficult for you to serve as a juror: _____

40. Does a close family member or friend have a medical or physical condition that would make it difficult for you to serve as a juror?

☐ Yes ☐ No

IF YES, please explain: _____

41. Are there any circumstances taking place in your life, whether personal, family, work, or other that prevents you from devoting your full attention during a trial beginning on August 6, 2024, and lasting approximately 3 weeks?

IF YES, please explain: _____

IF YES, please explain: _____

[illegible]

[illegible]

JUROR NUMBER _____

I HEREBY STATE UNDER PENALTY OF PERJURY THAT ALL THE ANSWERS GIVEN IN THIS QUESTIONNAIRE ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

DATED: _____, 2024.

Juror's Signature

Juror's Printed Name

Juror's Printed No.